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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,354	10/28/1999	STEPHEN K. JOHNSON	10992660-1	7167
22879	7590	07/27/2006		
			EXAMINER	
			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/430,354	JOHNSON ET AL.	
	Examiner Heather D. Gibbs	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 April 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,6,8,11,13 and 19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,6,8,11,13,19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,6,8,11,13,19 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues, *Toyoda does not teach that the cause of the transmission failure is an interruption in electrical power.* Upon further review, the examiner has incorporated Hiromutsu (JP 11-068992) to further teach this limitation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,6,8,11,13,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al (US 6,229,884) in view of Hiromutsu (JP 11-068992).

Toyoda discloses, regarding claim 1, which is representative of claims 8 and 13, Toyoda teaches in a system for electronically transmitting to an electronic mail (e-mail) server electronic data derived from optically scanning a document, a method for recovering from an interruption in electrical power causing a failure in the complete transmission of the electronic data to the e-mail server, the method comprising: storing the electronic data to a non-volatile storage device (5:40-42), transmitting the electronic data to the e-mail server (5:37-59); removing the electronic data from the storage device after the electronic data has been completely transmitted to the e-mail server (7:39-56),

determining if the electronic data is present on the storage device after the interruption in electrical power.

Toyoda does not disclose expressly if the electrical data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the email server.

Hiromutsu discloses when a main power supply fails, it is checked whether or not data reception is disabled. When it is detected that the data sent at present is an electronic mail and when the power failure is recovered, the content of data already sent is displayed (SOLUTION).

Toyoda & Hiromutsu are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hiromutsu with Toyoda.

The suggestion/motivation for doing so would have been to continue communication restoration from a power failure, as taught by Hiromutsu.

Therefore, it would have been obvious to combine Hiromutsu with Toyoda to obtain the invention as specified in claims 1,8, and 13.

For claims 6, 11, 19, Toyoda teaches including a confirming receipt of all of the electronic data by the e-mail server (10:30-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Heather D Gibbs
Examiner
Art Unit 2625

hdg



THOMAS D.
TOMMY LEE
PRIMARY EXAMINER